

# REGULAR WEEKLY SESSION—ROANOKE CITY COUNCIL

November 17, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 17, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith-----7.

**ABSENT:** NONE-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Charles Calloway, Pastor, Maple Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

## PRESENTATIONS AND ACKNOWLEDGMENTS:

**CITIZEN OF THE YEAR:** Mr. Harris offered the following resolution recognizing Alphonzo L. Holland, Sr., as City of Roanoke 2003 Citizen of the Year:

(#36538-111703) A RESOLUTION naming Alphonzo L. Holland, Sr., as Roanoke's Citizen of the Year for the year 2003.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36538-111703. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**DIRECTOR OF FINANCE:** On behalf of the Members of Council and citizens of the City of Roanoke, the Mayor advised that he was pleased to recognize the Director of Finance and his staff upon receipt of Excellence in Financial Reporting Awards by the Government Finance Officers Association of the United States and Canada relative to the City's Comprehensive Annual Financial Report and the Annual Financial Report for the City's Pension Plan for the fiscal year ended June 30, 2002. He stated that the awards represent the highest standards in governmental accounting and financial reporting.

**PROCLAMATIONS:** The Mayor presented a proclamation declaring November, 2003 as Home Care and Hospice Month.

### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a closed session to discuss vacancies on boards and commissions.

**MINUTES:** Minutes of the regular meeting of Council held on Monday, October 6, 2003, and recessed until Friday, October 17, 2003; the special meeting of Council held on Wednesday, October 15, 2003; and the regular meeting of Council held on Thursday, October 23, 2003, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE:** A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, advising that the term of office of John M. Hudgins, Jr., as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, will expire on December 31, 2003, was before Council.

It was further advised that according to §37.1-196, Code of Virginia (1950), as amended, Community Services Board members are eligible to serve three full three-year terms of office; therefore, it is requested that Council ratify the reappointment of Mr. Hudgins for a second term of office, commencing January 1, 2004 and ending December 31, 2006.

It was explained that the by-laws of Blue Ridge Behavioral Healthcare require that appointments of at large Board members be ratified by all Community Service Board participating localities.

Mr. Fitzpatrick moved that Council concur in the reappointment of John M. Hudgins, Jr., as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-SCHOOLS:** A communication from Michael F. Urbanski tendering his resignation as a member of the Virginia Western Community College Board, was before Council.

Mr. Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith -----7.

**NAYS:** None-----0.

**COMMITTEES-PARKS AND RECREATION-GREENWAY SYSTEM:** A communication from Brian Shepard tendering his resignation as a member of the Parks and Recreation Advisory Board and the Roanoke Valley Greenway Commission, was before Council.

Mr. Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith -----7.

**NAYS:** None-----0.

**COMMITTEES-ROANOKE CIVIC CENTER-INDUSTRIES-ARCHITECTURAL REVIEW BOARD:** The following reports of qualification were before Council:

Debbie Conner as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2006;

F. Gordon Hancock as a Director of the Industrial Development Authority of the City of Roanoke, for a term ending October 20, 2006; and

Jon Stephenson as a member of the Architectural Review Board, for a term ending October 1, 2007.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith -----7.

NAYS: None-----0.

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

**SEWERS AND STORM DRAINS:** Paul Dotson, Realtor, MKB Realtors, and Glenn Rosendahl, Financial Director, College Lutheran Church, Salem, Virginia, advised that a lot on Manning Road, N. W., was recently donated to College Lutheran Church; however, when the Church attempted to sell the lot it was discovered that no septic system or sewer system currently serves Manning Road. Under the City's newly established sewer line policy, he stated that City staff advises that it would cost approximately \$50,000.00 to install a sewer system to serve the lot in question, with the City funding one half of the cost and the property owner funding the other one half; however, the value of the lot donated to the Church is \$13,500.00, therefore, it would be counter productive for the Church to invest \$25,000.00 for a sewer line to serve the lot. He requested that Council authorize a special permit to allow construction of a septic tank on the lot donated to College Lutheran Church on Manning Road.

The City Manager presented a map of the area under discussion and advised that the lot which was donated to the Church is located at the end of a site where it is estimated that it would cost approximately \$50,000.00 to construct a sewer line; the sewer line would pass two undeveloped lots and five lots that currently have septic tanks, and, pursuant to policy adopted by Council several months ago, not only would the two vacant lots be required to connect to the sewer system upon development, but if and when septic tanks currently serving the five lots fail, owners of the lots will be required to connect to the public sewer. She stated that the map indicates that approximately 60 acres could be served by a sewer line in the area and City staff has not determined if the other lots are developable in other ways. She explained that under current provisions adopted by Council, the City could participate at the 50 per cent level, or authorize installation of a septic tank, and given that there are a number of lots that could be served by a sewer extension, she has been unwilling to indicate that a septic tank could be installed on the lot. She suggested that the City Attorney prepare a measure for consideration by Council to provide that the City of Roanoke will bear the total cost of the sewer line extension and prorate costs against those lots that could be served by the sewer line; since approximately eight lots are involved, the cost would be in the range of \$6,500.00 per lot which is comparable to the cost of a septic tank installation; and as other lots

come on line, or as septic tanks fail, property owners could be assessed the appropriate amount for connecting to the sewer line. Given the fact that the Council has expressed an interest in eliminating septic tanks in the City, she advised that the above referenced suggestion would be the most favorable alternative.

There was discussion in regard to the time frame for construction of the sewer line; whereupon, the City Manager advised that the sewer line could be constructed within approximately nine months.

Following discussion with regard to the potential benefit to other lots in the area, in which it was noted that assuming it will cost \$50,000.00 to extend the sewer line approximately 1200 feet, the next 1200 feet would most likely not amount to another \$50,000.00; therefore, it would be to the City's advantage to look at the potential benefit to other development in the area.

Without objection by Council, the Mayor advised that the matter would be referred to the City Manager for report to Council with regard to including the entire 60 acre area in the recommended sewer line extension.

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

**SCHOOLS-EQUIPMENT:** The City Manager submitted a communication advising that in the past, the City has held a semi-annual auction of surplus property; an average of 85% of proceeds of the sale has been from vehicles and heavy equipment; in 2002, vehicles/heavy equipment sales totaled \$76,525.00 for 46 pieces of equipment; miscellaneous sales, items other than vehicles and heavy equipment, totaled \$13,894.00 in 2002; in mid July 2003, the City began using an on-line auction ([eSurplusAuction.com](http://eSurplusAuction.com)) to sell vehicles and heavy equipment; and the City has received \$112,000.00 for 43 items, including vehicles and other pieces of equipment through on-line auction in the first quarter of sales.

It was further advised that with the closure of the warehouse and building of the new salt barn at the Public Works Service Center, there is no convenient space for storage and sale of miscellaneous surplus items, such as desks, chairs, file cabinets, etc; sales of miscellaneous surplus have been less than \$14,000.00 annually; and annual cost for surplus sales, excluding the auctioneer's percentage, is almost \$5,000.00, including approximately \$2,000.00 for advertising.

**It was explained that the Roanoke City Public Schools (RCPS) also holds semi-annual auctions of surplus property, and has space for storage of surplus property; by combining City and Schools miscellaneous surplus, duplicate advertising costs of approximately \$2,000.00 per year would be eliminated, producing higher net income; and the school system has agreed at an administrative level to follow the outlined proposal in regard to disposition of surplus property:**

**Reallocate to City departments.**

**Attempt to sell vehicles and other items of significant value on the internet, or by other appropriate means.**

**Give usable surplus personal property, not disposed of above, to Roanoke City Public Schools (RCPS) subject to RCPS accepting the property. RCPS will have the right to decide whether to accept individual items of surplus property. The decision of whether or not the Schools will accept the property will be made before transporting the property to the RCPS storage facility. RCPS will store the property and dispose of it as they wish from there, including the sale of the surplus property.**

**Any surplus property not disposed of as above described will be disposed of by sending it to the landfill, or other proper disposal facility, or the property may be recycled, or given to an entity that may be able to use it.**

**It was noted that disposal of surplus property in some other way than outlined above may be done only by separate action of Council; i.e.: a gift of surplus property to another public body, or to a non-profit agency, will require action by Council.**

**The City Manager recommended that Council approve the above described disposition of surplus property policy, provided that Council may dispose of any City surplus property in a manner other than that which is above set forth and as may be deemed appropriate by Council.**

**Mr. Dowe offered the following resolution:**

**(#36539-111703) A RESOLUTION setting forth a policy for the disposition of City Surplus Tangible Personal Property.**

**(For full text of Resolution, see Resolution Book No. 68.)**

Mr. Dowe moved the adoption of Resolution No. 36539-111703. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**HARRISON HERITAGE CENTER-TOTAL ACTION AGAINST POVERTY:** The City Manager submitted a communication advising that Total Action Against Poverty (TAP) has requested funds from the City to support the renovation and equipping of the Dumas Center for Artistic Development; in July 2002, the original cost of the project was \$4,098,184.00; since that time, the budget has increased to \$4,861,496.00 as the result of a separate addition for the Harrison Museum; the Project is to be funded from a variety of sources; initially the City was requested to provide \$500,000.00 in project funding over three fiscal years beginning in fiscal year 2002-2003, which request was later modified to allow funding to be phased beginning in fiscal year 2003-2004 over a period of five fiscal years; City staff recommended that the \$500,000.00 request be funded in a similar fashion to the Grandin Theater project, with \$100,000.00 being provided each year over five years, beginning with fiscal year 2003-2004; and funding would be provided by agreement as approved by Council, subject to the following provisions:

- Certification of the availability of matching funds;
- City funds will be used solely for the construction project, and not for operation of the Dumas Center;
- No future operational support for the Dumas Center will be requested from the City;
- The Dumas Center would continue to be operated as a community arts and cultural center;
- TAP will pay the City real estate taxes on the Center, as assessed by the City;
- The Dumas Center will not be sold or conveyed to another entity without the prior written consent of the City; and
- If the Dumas Center is sold within the five years of the agreement to other than a non-profit entity, the City will recover its capital investment from the proceeds of the sale.



It was further advised that funding will be appropriated annually from the Capital Maintenance and Equipment Replacement Program, which has already been done for fiscal year 2003-2004, with funding available in Account No. 008-310-9799-9132.

The City Manager recommended that she be authorized to enter into an agreement with Total Action Against Poverty, in a form to be approved by the City Attorney, to renovate and equip the Dumas Center for Artistic Development.

Mr. Harris offered the following ordinance:

(#36540-111703) AN ORDINANCE authorizing the City Manager to enter into an agreement between the City of Roanoke and Total Action Against Poverty in Roanoke Valley, Inc., to renovate and equip the Dumas Center for Artistic Development, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36540-111703. The motion was seconded by Mr. Cutler.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired as to the amount of funds requested by Total Action Against Poverty, and whether funds will be used specifically for a separate addition for the Harrison Museum of African-American Culture.

It was clarified that TAP and the Harrison Museum have requested an additional \$400,000.00 to be specifically dedicated for a new addition to the older building, or 100 per cent for the Harrison Museum; however, the Ordinance currently before the Council provides a mechanism to implement Council's earlier agreement to provide \$500,000.00 over five years for renovating and equipping the Dumas Center for Artistic Development.

Ordinance No. 36540-111703 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**FLOOD REDUCTION/CONTROL:** The City Manager submitted a communication advising that utility relocation is a part of the Roanoke River Flood Reduction Program, which is being designed by the Corps of Engineers; and on March 18, 1991, the City entered into a contract with Hayes, Seay, Mattern and Mattern, Inc., for work, including design of all relocations required by the Flood Reduction Program.

It was further advised that due to steep river banks near Hamilton Terrace and Bellevue Avenue, S. E., it is necessary to realign a portion of Piedmont Street near its intersection with Hamilton Terrace and a portion of Hamilton Terrace, near its intersection with Bellevue Avenue, to accommodate the proposed greenway which is a part of the Flood Reduction Project; part of the proposed realignment will allow the proposed greenway to connect to the new pedestrian bridge over the Roanoke River constructed by Carilion; and cost to design realignments will be \$31,212.00.

The City Manager explained that approval by Council is required inasmuch as the amount of the amendment, combined with two prior amendments, exceed 25 per cent of the contract amount initially allocated for the project; and funding is available in Capital Projects Fund, Account No. 08-056-9620, Roanoke River Flood Reduction.

The City Manager recommended that she be authorized to execute Amendment No. 1A3, in the amount of \$31,212.00, to the contract with Hayes, Seay, Mattern and Mattern, Inc., for the Roanoke River Flood Reduction Utility Relocation Project.

Mr. Harris offered the following resolution:

(#36541-111703) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1A3 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for designing realignments for a portion of Piedmont Street near its intersection with Hamilton Terrace, S. E., and with a portion of Hamilton Terrace, S. E., near its intersection with Bellevue Avenue, S. E., to accommodate the proposed greenway which is part of the Roanoke River Flood Reduction Project.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36541-111703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: NONE-----0.

**ZONING:** The City Manager submitted a communication advising that currently, the Zoning Ordinance provides for a single definition of a medical clinic, defining such as "an establishment which officers medical - or health - related counseling or treatment (including diagnosis), including dental, optical and psychiatric treatment where treatment is offered by more than two licensed professional medical practitioners."

It was further advised that as indicated by the definition, this use broadly covers a wide range of medical specialties and practices; while most medical facilities and clinics have similar physical, functional, and land use characteristics, there are other types of facilities that, by nature of their operational and functional needs or characteristics, could have potential adverse impacts on adjacent land uses; and certain medical clinics which provide services for drug and alcohol abuse or treatment of mental illness have the potential to exhibit operational hours, parking needs, and security measures that are unique unto themselves and are not shared by other medical clinic facilities as contemplated by the City's current zoning ordinance definition.

The City Manager explained that to address potential adverse impacts of some types of medical clinics as currently defined by the Zoning Ordinance, one alternative would be to maintain the current broad definition of medical clinics, and to regulate the facilities by Special Exception, as opposed to the manner in which they are regulated today, either by Special Exception, or "by Right" depending on the applicable zoning district; this option, however, while sufficiently addressing new locations, would result in allowing any existing medical clinic location to change its medical specialty or type of practice without obtaining a Special Exception.

It was advised that in order to better define and to regulate certain types of medical clinics which tend to exhibit unique functional and operational characteristics, a new definition is proposed to be added to the Zoning Ordinance, as follows:

**"Outpatient Mental Health and Substance Abuse Clinic:** An establishment which provides outpatient services related to the treatment of mental health disorders, alcohol, or other drug or substance abuse disorders including the dispensing and administering of controlled substances and pharmaceutical products by licensed professional medical practitioners."

It was explained that the proposed amendments will provide a specific process or the review and approval of these types of medical facilities, including general public notice of such proposed use, notification of abutting property owners, and a public hearing by the Board of Zoning Appeals; and this option allows for retention of the current definition and regulation of other types of medical clinics as originally contemplated by the Zoning Ordinance.

The City Manager advised that the City of Roanoke recently became aware of a plan by a specific company to establish a methadone clinic within the City limits, and specifically at a location off Hershberger Road, N. W.; when the City first became aware of the proposal, City staff immediately contacted the appropriate State department to determine the status of any application; and it was determined that there is no requirement for the State to advise localities when an application is made for such purpose. She explained that under the City's current zoning regulations, there is a requirement for special exception for certain medical clinics in the C-1 and CN Districts, but no such requirement applies to the C-2 District where the applicant is currently considering the location of a methadone clinic. She pointed out that the proposed clinic does not have a license at this time from the Commonwealth of Virginia; the applicant has not completed the application process, the City has not issued a Certificate of Occupancy for the facility; and City staff has attempted to contact representatives of the methadone clinic, who are in the process of exercising a lease on the property. In view of the fact that as a community, the City of Roanoke did not receive notice, or have an opportunity to comment on the type of clinic, which presents certain challenges in terms of traffic and other issues, she stated that an amendment to the zoning ordinance is proposed.

The City Manager recommended that Council engage in a joint public hearing with the City Planning Commission on Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard. She advised that it is proposed that this type of operation would be permitted only in the C-2, General Commercial District, upon issuance of a Special Exception by the Board of Zoning Appeals; the proposed action is appropriate given the concern of the community, the Members of Council and the City administration regarding the placement of these types of facilities; and the City in no way wishes to suggest that those in need of treatment should not have an appropriate facility in which to be treated, but it is believed that the location of this type of facility should come under the purview of the zoning ordinance and specifically the Board of Zoning Appeals.

Mr. Fitzpatrick offered the following resolution:

**(#36542-111703) A RESOLUTION initiating on behalf of the Council of the City of Roanoke, an amendment to §36.1-25, Definitions, and §36.1-204, Special exception uses, of the Code of the City of Roanoke (1979), as amended, to permit the establishment of outpatient mental health and substance abuse clinics as a special exception use in only the C-2, General Commercial District, of the City of Roanoke.**

**(For full text of Resolution, see Resolution Book No. 68.)**

**Mr. Fitzpatrick moved the adoption of Resolution No. 36542-111703. The motion was seconded by Mr. Bestpitch.**

**There was discussion as to whether all possible situations have been addressed; whereupon, the City Manager advised that the proposed definition will address a number of treatments, mental health disorders, alcohol, drug or substance abuse disorders, and includes the dispensing of medications; City staff has attempted to include as many issues as possible, but in a rapidly changing world, there can be no assurance that all activities have been identified. She added that the item, which was added to the City's 2004 Legislative Program, will prompt discussion at the State level about the kinds of activities that should be reported to localities, and at some time in the future, it may be necessary to further amend the definition, or to add new definitions.**

**Brenda Hale, President, Roanoke Branch, NAACP, 3595 Parkwood Drive, S. W., expressed concern regarding the proposed methadone clinic at 3208 Hershberger Road, N. W. She advised that of paramount concern to the northwest community is the close proximity of the facility to three schools, the potential endangerment of children, and a potential increase in drugs and criminal activity. She stated that individuals must also realize that patients are entitled to medical treatment for their maladies; demographics of opiate addiction affect individuals of all social and economic conditions; haste to judge and to condemn is not the answer; patients have the right not to be discriminated against; in January, 2003, the U. S. District Court, District of Massachusetts, held that a City ordinance which prohibited the operation of methadone clinics for individuals with opiate addiction violated the Americans with Disabilities Act; the City of Massachusetts had previously enacted a zoning ordinance against a center that provided methadone treatment for individuals with drug additions; the ordinance prohibited the methadone treatment center from operating within two miles of a school, and because every possible location was within two miles of a school, the center could not operate in the City; in contrast, the City of Massachusetts allowed other clinics to operate in business or industrial zones, and the City of Massachusetts was found to be discriminatory against drug and alcohol rehabilitation programs, the clients of which are qualified individuals with a disability; and the City of Massachusetts did not show that the placement of the methadone clinic in a business or industrial zone posed a significant risk to the safety of the school community. She called attention to numerous C-2 zoned**

buildings in certain areas throughout the City of Roanoke that are not located near schools; under the Code of Virginia, City Councils have the authority to regulate operations such as massage and tattoo parlors that are held to stricter regulations; and a pending clinic can be regulated referencing issues such as hours of operation, number of days authorized to be open, parking regulations, sanitation, and management of bio hazardous waste, etc. She asked that the City maintain an open book as issues evolve.

Daniel M. Hale, Jr., 4425 Oleva Street, N. W., President, Middle Court Neighborhood Association, expressed the shock, dismay and outrage of his neighborhood organization at the proposal of introducing a methadone treatment center by the Virginia Treatment Center; and residents are shocked that an application to dispense methadone in Roanoke City has been on file in Richmond for over a year, yet City officials had no knowledge of the application until recently. He stated that residents are dismayed that past and present City Councils and City Managers have continued to allow Roanoke City generally, and northwest Roanoke specifically, to be repositories of negative impact social service programs designed to benefit the greater Roanoke Valley at the expense of Roanoke City neighborhoods. He expressed concern that the City Planning Department did not alert the City's Department of Housing and Neighborhood Services so that neighborhood organizations could be immediately notified of the proposed methadone clinic on Hershberger Road. He advised that historically in Roanoke, the neighborhoods of low income and mixed minority citizens appear to be the dumping ground for objectionable initiatives borne of questionable public policy; therefore, the citizens of northwest Roanoke demand the following actions from Council: an immediate report detailing the current status and time line for rewriting the zoning ordinance, direct the City Manager to design and implement a system to provide early warning to citizens of future social invested programs as to when they are going to be introduced into Roanoke City neighborhoods, direct the City Manager to compile a list of recommendations that will maintain and enhance the quality of life in the area of the proposed clinic and mitigate any negative impact that the clinic might have on the neighborhood's quality of life which should include recommendations on public safety, housing, transportation, and health department components, and report to the Roanoke Neighborhood Advocates on neighborhood implications as a result of the proposed clinic. In closing, he advised that Roanoke's neighborhoods generally believe that the City Manager has done an outstanding job in helping to improve living conditions.

Resolution No. 36542-111703 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

## **REPORTS OF COMMITTEES:**

**COMMITTEES-LEGISLATION:** Council Member William D. Bestpitch, Chair, Legislative Committee, presented a written report of the Committee, transmitting the City's proposed 2004 Legislative Program. He advised that six primary initiatives were adopted in keeping with the City's practice to limit the number of legislative requests to no more than five-six, in order to concentrate efforts on a smaller number of issues, the goal of which is to reach a level of success with a limited number of items. He reviewed the following legislative requests:

- "1. Advisory Public Referenda—There are numerous issues that may qualify for advisory public referenda in various localities across the State. The General Assembly is urged to study the mechanisms currently in place that allow for such referenda and consider providing a uniform opportunity for citizens in any locality to be allowed to hold advisory referenda if the local governing body determines it would be useful to hold such referenda to best serve its citizens."**

Mr. Bestpitch advised that the City of Roanoke currently does not have the ability to schedule advisory referenda on a number of issues without acquiring specific legislation from the General Assembly, whereas, other localities in Virginia have that capability; it was discovered that there are different requirements from locality to locality, therefore, it is difficult to know which model would be best for the City of Roanoke; and the City's request is that the General Assembly will conduct a study of the various mechanisms and determine a greater degree of uniformity across the state for all localities.

- "2. Support for Rail Transportation Development Authority—The City of Roanoke supports the required re-enactment of SB 1279 from the 2003 General Assembly, which would create the Rail Transportation Development Authority. This Authority would be established to finance or assist in the financing of capital improvements to rail lines and associated facilities."**

Mr. Bestpitch advised that legislation was introduced last year by Roanoke's Senator John Edwards, which legislation is required to come before the General Assembly for reconsideration in 2004; and, as a railroad town, the City of Roanoke understands the importance of improving rail capability and the importance of supporting its Senator on this important initiative.

- "3. Vacant Building Registration Fee—The General Assembly should amend Section 15.2-1127 of the Code of Virginia to increase the current permitted registration fee of \$25 for vacant buildings to \$250 to assist localities in addressing the additional costs of fire, police and inspection activities related to vacant properties."**
- "4. Urban Deer Management Program—As a public safety measure, the General Assembly should amend Section 29.1-521 of the Code of Virginia to permit the use of baiting to attract deer to be culled under the conditions of the Urban Deer Management Program permit issued by the Virginia Department of Game and Inland Fisheries."**
- "5. Health Department—The City's Health Department needs an additional appropriation this year of at least \$187,598.00 for furnishings and rent, and \$158,990.00 a year thereafter for rent so that it can consolidate its operations and move into the new Human Services Building on Williamson Road."**
- "6. Absentee Landlord Representation—Section 55.218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but who do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality."**

**Mr. Bestpitch called attention to two additional items that were received following the last meeting of the Legislative Committee; i.e.: a recommendation by the Interim Director of the Department of Social Services in regard to funding for the Virginia Initiative for Work, or VIEW Program; however, the item will not be included in the City's formal Legislative Program, but is an issue that legislators should be aware of. He advised that a second item pertains to the licensure and zoning for certain substance abuse treatment facilities, and called attention to wide spread concern by citizens of the City of Roanoke regarding the possibility of a methadone treatment clinic on Hershberger Road, N. W. He explained that the City learned in the past two weeks that the State has been aware of the possibility of the proposed methadone clinic on Hershberger Road for a number of months, but the City did not receive information until recently. He reviewed the following language which is recommended by the Legislative Committee for inclusion in the City's proposed 2004 Legislative Program:**



**Notice of Applications for Methadone Clinics--Section 37.1-179.1, Code of Virginia, should be amended to require the Commissioner of Mental Health, Mental Retardation, and Substance Abuse to notify localities of pending applications for methadone dispensing facilities. The following sentence should be added to Section 37.1-179.1:**

**"No license shall be issued to any provider unless and until the commissioner shall have provided notice to the governing body of the locality in which such provider will be located, and at least thirty (30) days time allowed for the governing body to submit comments to the commissioner on the suitability of the proposed location of the provider and its conformance to the locality's comprehensive plan."**

**Mr. Cutler moved that the above referenced item be included as Item No. 7 in the City's 2004 Legislative Program. The motion was seconded by Ms. Wyatt and adopted.**

**Mr. Bestpitch offered the following resolution approving the City's 2004 Legislative Program, as above amended:**

**(#36543-111703) A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2004 Session of the General Assembly.**

**(For full text of Resolution, See Resolution Book No. 68.)**

**Mr. Bestpitch moved the adoption of Resolution No. 365430-111703. The motion was seconded by Mr. Cutler.**

**The Mayor advised that he will vote against the City's 2004 Legislative Program because it will not be approved in its entirety by the General Assembly. He referred to the item pertaining to advisory public referenda and advised that the City is requesting the General Assembly to study those mechanisms currently in place that allow for a referendum, even though numerous cities and towns in Virginia currently provide for an advisory referenda; sending the request to the General Assembly for a study in 2004 will ensure that the item will not pass the General Assembly in 2004 or 2005 inasmuch as the City is asking that the General Assembly study the issue and not specifically asking for the privilege of holding an advisory referenda. He added that the citizens of the City of Roanoke have stated that they want the privilege, under certain circumstances, of having an advisory referenda, and the recommendation currently before the Council is a way to eliminate the possibility of an advisory referenda in the coming year by asking for a study.**

Council Member Fitzpatrick advised that the General Assembly is not likely to grant the City's request for an advisory referenda until it has a much better understanding of implications, if any, and even though Council supports an advisory referenda for citizens of the City of Roanoke, the matter is not likely to be passed by the General Assembly during the 2004 Session.

Mr. Bestpitch concurred in the remarks of Mr. Fitzpatrick and emphasized that the process differs from city to city; the City of Roanoke does not have staff capabilities to perform the study as a City project, compared to the resources that are available to the State through various State agencies, such as JLARC, etc. He advised that the majority of the Council has indicated that it supports a study that will move toward a more uniform process for localities across the Commonwealth of Virginia, which would be available to the citizens of every Virginia locality on a consistent basis, regardless of where they live.

Council Member Wyatt spoke in support of an objective study that will be fair to the citizens by taking politics out of the decision.

Following further discussion, Mr. Fitzpatrick called for the question. The motion was seconded by Mr. Harris and adopted, Mayor Smith voting no.

Resolution No. 3654-111703 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt and Bestpitch-----6.

NAYS: Mayor Smith-----1.

SCHOOLS: A communication from the Roanoke City School Board requesting approval of the following appropriations and transfers; and a report of the Director of Finance recommending that Council concur in the request, was before the body.

- \$142,174.00 from the 2003-2004 Capital Maintenance and Equipment Replacement Fund to provide monies for musical instrument replacement, physical education equipment, health equipment, instructional technology equipment, administrative technology equipment, Magnet School technology equipment, facility maintenance equipment, custodial equipment, site-based furniture, maintenance vehicle replacement, food service equipment, and food service vehicle replacement.

- **\$97,429.00 for the Title I School Improvement program at the Roanoke Academy for Mathematics and Science; funds will aid the division in its effort to provide strategies to increase student learning at schools with a high percentage of free lunch students, which continuing program is 100 percent reimbursed by Federal funds.**

**Mr. Bestpitch offered the following budget ordinance:**

**(#36544-111703) AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and the School Food Service Fund balance, and to appropriate a federal grant, amending and reordaining certain sections of the 2003-2004 School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 36544-111703. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was out of the Council Chamber when the vote was recorded.)**

**LOANS-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$3.1 million, for improvements to Westside Elementary School, advising that the loan application includes a resolution for architectural supervision; and debt service on the loan will increase the School Board's debt service expenditure by \$248,000.00, commencing in fiscal year 2005-06, but no debt service liability will be incurred until funds are drawn against the loan account, was before Council.**

**A second communication from the School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$1.6 million for improvements to Fallon Park Elementary School, advising that the loan application includes a resolution for architectural supervision; debt service on the loan will increase the School Board's debt service expenditure by \$128,000.00, commencing in fiscal year 2005-06, but no debt service liability will be incurred until funds are drawn against the loan account, was also before the body.**

A report of the Director of Finance advising that included in the adopted Capital Improvement Program for fiscal years 2004 - 2008 is funding of \$5.0 million for improvements to Fallon Park and West Side Elementary Schools; funding for improvements are to be provided by the Schools using the most financially advantageous combination of general obligation public improvement bonds, Virginia Public School Authority Bonds and Literary Fund loans; and Literary Fund loans are advantageous due to the low three per cent interest rate which may be obtained, was before Council.

The Director of Finance recommended approval of the loan applications by Council.

Ms. Wyatt offered the following resolution:

(#36545-111703) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for adding to and modernizing Westside Elementary School.

(For full text of Resolution, see Resolution Book No. 68.)

Ms. Wyatt moved the adoption of Resolution No. 36545-111703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was out of the Council Chamber when the vote was recorded.)

Mr. Harris offered the following resolution:

(#36546-111703) A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for improving the present school building at Westside Elementary School and declaring the City's intent to borrow to fund or reimburse such expenditures.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36546-111703. The motion was seconded by Ms. Wyatt and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was out of the Council Chamber when the vote was recorded.)**

**Ms. Wyatt offered the following resolution:**

**(#36547-111703) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary fund for modernizing Fallon Park Elementary School.**

**(For full text of Resolution, see Resolution Book No. 68.)**

**Ms. Wyatt moved the adoption of Resolution No. 36547-111703. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was out of Council Chamber when vote was recorded.)**

**Mr. Harris offered the following resolution:**

**(#36548-111703) A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for improving the present school building at Fallon Park Elementary School and declaring the City's intent to borrow to fund or reimburse such expenditures.**

**(For full text of Resolution, see Resolution Book No. 68.)**

**Mr. Harris moved the adoption of Resolution No. 36548-111703. The motion was seconded by Ms. Wyatt and adopted by the following vote:**

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----  
7.

**NAYS:** None-----0.

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**CITY COUNCIL:** Assistant City Manager for Community Development, Rolanda Russell's husband, having recently sustained a serious eye injury, Council Member Dowe requested that he be remembered in prayer.

**CELEBRATIONS-HOUSING/AUTHORITY:** Council Member Dowe congratulated and publicly welcomed back to the City of Roanoke former Assistant City Manager, Earl B. Reynolds, Jr., who will assume the position of Deputy Executive Director, City of Roanoke Redevelopment and Housing Authority, effective December 15, 2003.

**CITY CODE-ZONING-SIGNS/BILLBOARDS/AWNINGS:** Council at its meeting on Monday, October 23, 2003, having tabled an ordinance amending Section 36.1-455, of the Code of the City of Roanoke, (1079), as amended, to permit the relocation of existing roof signs within the H-1, Historic District, Mr. Fitzpatrick moved that the ordinance be removed from the table. The motion was seconded by Mr. Harris and unanimously adopted.

**Mr. Fitzpatrick offered the following ordinance:**

**(#36549-111703) AN ORDINANCE amending and reordaining §36.1-445, Additional sign regulations, Division 3, Sign Regulations, Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending subsection (c) to permit roof signs within the H-1 Historic District, under certain conditions; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Fitzpatrick moved the adoption of Ordinance No. 36549-111703. The motion was seconded by Mr. Dowe.**

**David Diaz, President, Downtown Roanoke, Inc., referred to a letter of agreement among those parties that are working to restore the H & C Coffee Sign and to relocate the sign to the top of the Shenandoah Hotel building as a first preference.**

**(The letter of agreement was not filed with the City Clerk.)**

**There being no discussion, Ordinance No. 36549-111703 was adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**STREETS AND ALLEYS: Council Member Wyatt referred to recent repairs to the sidewalk at 14<sup>th</sup> Street, S. E., and installation of ground cover which was recently destroyed by vandals. She requested that the City make the necessary repairs.**

**TRAFFIC: Council Member Wyatt requested that appropriate signage be installed to inform motorists that Campbell Avenue is a two way street, in order to remove a portion of the traffic from Campbell Avenue to Salem Avenue, S. W.**

**TRAFFIC: Council Member Wyatt requested confirmation by the City Manager that Williamson Road will include two lanes of traffic in each direction; whereupon, the City Manger confirmed that there will be a minimum of two lanes of traffic in each direction, with some left turn lanes to facilitate traffic.**

**LIBRARIES: Vice-Mayor Harris commended staff of the Roanoke Public Library on the Bookfest which was held on November 14 - 15, 2003, and expressed appreciation to the Roanoke Public Library Foundation for sponsoring the event.**

**AIRPORT:** The Mayor called attention to a September, 2003 article in *Womans World*, a national magazine, which alluded to the convenience of Roanoke's airport. He referred to a web site entry by Air Tran inviting subscribers to vote on those locations that they would like to be served by Air Tran, and encouraged citizens of the Roanoke Valley to respond to the web site address at [www.airtran.com/Atlanta](http://www.airtran.com/Atlanta) and cast their vote for Roanoke, because the more votes that are received from the Roanoke area, the greater the chance of attracting a discount air carrier to the Roanoke Valley.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**POLICE DEPARTMENT-ARMORY/STADIUM-CITY EMPLOYEES:** Mr. John E. Kepley, 2909 Morrison Street, S. E., referred to an article in the November 13, 2003 edition of *The Roanoke Times* entitled, "Bids Exceed Allocated Budget for Stadium". He stated that in this article, as well as other newspaper articles, the City Manager has guaranteed that the stadium/amphitheater project will be completed for \$18 million or less; bids which were recently opened exceeded the budgeted amount by \$2 million, and major construction such as the pedestrian walkway to be constructed over Orange Avenue and the football stadium turf were left out of the bids, as well as other important items. He referred to the Nautilus Waterfront Science Museum in the City of Norfolk which was constructed during the time that Roanoke's City Manager served as Assistant City Manager and opened in 1994; the City Council of Norfolk budgeted \$30 million for the project; the Museum went over budget by \$22 million, for a total of \$52 million; the \$52 million Museum was intended to support itself through operating income which did not occur due to lack of attendance, therefore, admissions fees were slashed four times over a five year period from 1994 to 1999, or a 44 per cent reduction. He added that the Norfolk City Council borrowed money to continue the City's support of the project, along with other projects that exceeded the budget; and Norfolk's bond rating went down from a AAA to a AA to an A1 because of the City's slow growth rate and its rising debt. He noted that the City Council of Norfolk, in order to finance a range of projects, was forced to withdraw its application for Federal loan guarantees and to borrow money from private banks; in order to borrow money, the City of Norfolk was forced to put up certain buildings as collateral (Scope Chrysler Hall and the Waterside Convention Center); and in May 1995, in a effort to help with spiraling debt, higher taxes, fees and fines were imposed. He called attention to increased fees and fines that have been imposed on the citizens of the City of Roanoke over the past four years, and within the last five years real estate taxes have risen 21.3 per cent. He inquired if the citizens of the City of Roanoke are to share in the same fate as the City of Norfolk, i.e.: a growing debt load.



Mr. E. Dwayne Howard, 508 Walnut Avenue, S. W., called attention to recent newspaper articles in connection with a City survey that reveals low morale among Roanoke City Police Officers relative to poor pay and leadership. He stated that low morale is equally pervasive not only among City residents, but with persons throughout the Roanoke Valley, as it relates to the City Manager, the Chief of Police and City Council. He referred to a situation where a Police Officer was promoted to Sergeant with no salary increase, and the wasteful spending of over \$2200.00 of taxpayers' money on a banner at Victory Stadium which should be placed at the Orange Avenue/Williamson Road site of the proposed new stadium/amphitheater.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., commended an adjacent locality for allowing its voters the right to decide a very controversial issue which represented the democratic way and set a good example for building character. She referred to proclamations recently issued by the Mayor in connection with Building Character and National Historic Preservation Week, which stated that historic preservation is an effective tool for maintaining community character and is important in preserving the tangible aspects of heritage that all residents of the City of Roanoke share. She inquired as to why the Council has taken actions contrary to both the Building Character and Historic Preservation proclamations by continuing with plans to construct an unwise, unwanted, expensive and unsafe stadium, a stadium without seats or a scoreboard, and with a playing field that may be contaminated, and a stadium where there will be limited parking spaces because the pedestrian bridge is no longer in the plans. She asked if the City is exposing present and future generations of Roanokers to an astronomical and unwanted debt in a toxic environment. She advised that decisions are revokable and knowing when to cut losses is a key factor to effective management.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, addressed Council with regard to renovating Victory Stadium. He referred to the days when VMI and VPI played their annual Thanksgiving Day Football Games at Victory Stadium, and the vitality of the stadium and the City of Roanoke overall due to the level of attendance, all of which generated additional tax dollars for the City of Roanoke. He advised that the present Victory Stadium could be renovated in order to attract football games by major colleges and universities which would again generate major tax dollars for the City's coffers. He commended the City on painting and paving the roadway surface around Victory Stadium, and advised that there is sufficient parking in the area of Victory Stadium and the Carilion parking facility, along with on street parking, to accommodate as many as 20,000 vehicles. He stated that people will use Victory Stadium if the facility is marketed properly. He again suggested that a United States Flag be flown at Victory Stadium to honor the memory of World War II veterans.

#### **CITY MANAGER COMMENTS:**

**LIBRARIES:** The City Manager commended staff of the Roanoke Public Library on the success of the Bookfest which was held on November 14 - 15, 2003. She referred specifically to the young writers group that was recognized during the event.

**ACTS OF ACKNOWLEDGMENT-CITY EMPLOYEES:** The City Manager acknowledged Chuck Grant, an employee in the City's Department of Planning, Building and Development, who was recognized by the Regional Home Builders Association as 2003 Public Employee of the Year.

**ACTS OF ACKNOWLEDGMENT-COMMUNICATIONS DEPARTMENT:** The City Manager advised that for three consecutive years, the City of Roanoke has been recognized by the Center for Digital Government as the top digital city for cities in Roanoke's population category. She further advised that the City of Roanoke is the only city in the nation to receive this recognition for three consecutive years.

**ROANOKE CIVIC CENTER:** At the request of a Member of Council, the City Manager presented an oral report on the status of plans for the pedestrian walkway from the proposed new stadium on Orange Avenue/Williamson Road to the Roanoke Civic Center parking lot and other aspects of the total stadium project that were not included in the recent bidding process.

The City Manager advised that within the \$18 million budget, seats, turf and a pedestrian bridge have been accounted for; however, some are specialty items that do not require the skills of a general contractor. She stated that approximately \$3 million of the total budget for various items has been set aside within an individual budget for each item, with bids to be received at the appropriate time, as the item becomes a part of the construction process; therefore, the City will, in effect, serve as its own general contractor and will avoid the mark up on subcontractors that are typically employed by the general contractor which could amount to as much as ten per cent, or approximately \$300,000.00.

At 4:15 p.m. the Mayor declared the meeting in recess for one Closed Session.

At 5:15 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Member Fitzpatrick.

**COUNCIL:** Mr. Bestpitch moved that Council convene in Closed Session to discuss a personnel matter with regard to the position of City Treasurer, pursuant to Section 2.2-3711 (A)(1), Code of Virginia, 1950, as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was out of the Council Chamber when the vote was recorded.)

At 5:20 p.m., the Mayor declared the meeting in recess.

At 6:30 p.m., the Council meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with exception of Council Member Fitzpatrick.

**COUNCIL:** With respect to the Closed Session just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was absent.)

**COMMITTEES-INDUSTRIES:** The Mayor advised that there is a vacancy on the Industrial Development Authority, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Linda Frith.

There being no further nominations, Ms. Frith was appointed as a Commissioner of the Industrial Development Authority, for a term ending October 20, 2007, by the following vote:

**FOR MS. FRITH: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**(Council Member Fitzpatrick was absent.)**

**COMMITTEES-HUMAN DEVELOPMENT: The Mayor advised that there is a vacancy on the Advisory Board of Human Services, and called for nominations to fill the vacancy.**

**Mr. Harris placed in nomination the name of Louis O. Brown.**

**There being no further nominations, Mr. Brown was appointed as a member of the Advisory Board of Human Services, for a term ending November 30, 2007, by the following vote:**

**FOR MR. BROWN: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**(Council Member Fitzpatrick was absent.)**

**Inasmuch as Mr. Brown is not a resident of the City of Roanoke, Mr. Harris moved that Council waive the City residency requirement in this instance. The motion was seconded by Ms. Wyatt and adopted.**

**COMMITTEES-HUMAN DEVELOPMENT: The Mayor advised that there is a vacancy on the Human Services Committee, and called for nominations to fill the vacancy.**

**Mr. Harris placed in nomination the name of H. Clarke (Duke) Curtis.**

**There being no further nominations, Mr. Curtis was appointed as a member of the Human Services Committee, for a term ending June 30, 2004, by the following vote:**

**FOR MR. CURTIS: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.**

**(Council Member Fitzpatrick was absent.)**

**COMMITTEES-ROANOKE ARTS COMMISSION:** The Mayor advised that there is a vacancy on the Roanoke Arts Commission to fill the unexpired of Michael Brennan, ending June 30, 2004, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Terri R. Jones.

There being no further nominations, Ms. Jones was appointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2004, by the following vote:

**FOR MS. JONES:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

(Council Member Fitzpatrick was absent.)

Inasmuch as Ms. Jones is not a City resident, Mr. Harris moved that the City residency requirement be waived. The motion was seconded by Ms. Wyatt and adopted.

**COMMITTEES-ROANOKE ARTS COMMISSION:** The Mayor advised that there is another vacancy on the Roanoke Arts Commission, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Sandra Brunk.

There being no further nominations, Ms. Brunk was appointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2006, by the following vote:

**FOR MS. BRUNK:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

(Council Member Fitzpatrick was absent.)

**COMMITTEES-SCHOOLS:** The Mayor advised that there is a vacancy on the Virginia Western Community College Board of Directors, created by the resignation of Michael F. Urbanski, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of William M. Hackworth.

There being no further nominations, Mr. Hackworth was appointed as a member of the Virginia Western Community College, Board of Directors, for a term ending June 30, 2007, by the following vote:

**FOR MR. HACKWORTH:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

(Council Member Fitzpatrick was absent.)

**COMMITTEES-ZONING:** The Mayor advised that the three year terms of office of Joel M. Richert and Philip H. Lemon as members of the Board of Zoning Appeals will expire on December 31, 2003; whereupon, he opened the floor for nominations.

Mr. Harris placed in nomination the names of Joel M. Richert and Philip H. Lemon.

There being no further nominations, Ms. Richert and Mr. Lemon were reappointed as members of the Board of Zoning Appeals, for terms ending December 31, 2006, by the following vote:

**FOR MS. RICHERT AND MR. LEMON:** Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

(Council Member Fitzpatrick was absent.)

At 6:30 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, November 17, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., William D. Bestpitch, Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

**ABSENT: NONE**-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Boy Scout Troop No. 210, South Roanoke United Methodist Church.

**PUBLIC HEARINGS:**

**ZONING:** In view of the fact that numerous persons were in the audience in connection with the proposed methadone clinic to be located in the Hershberger Road, N. W. area, the Mayor called upon the City Manager to review the action taken by Council at its 2:00 p.m. session. (See pages 10-14.)

The City Attorney advised that he has been unable to identify provisions that would require the State to notify a locality of a pending application for a clinic of this type. He stated that localities should receive notice and an opportunity to comment on the appropriateness of a proposed clinic and to make a determination as to whether or not the location is in conformance with the locality's Comprehensive Plan; therefore, Council will request the City's delegation to the 2004 General Assembly to introduce legislation to include this requirement in the State Code. He encouraged all interested persons to contact their local Delegates and Senators prior to the filing deadline of December 8, 2003, for introducing bills before the General Assembly. He also encouraged interested persons to share their concerns with Council and the City Planning Commission at a joint public hearing to be held on Monday, December 15, 2003, at 7:00 p.m., in the City Council Chamber. He advised that City staff will continue to research the issue and follow up on other avenues that appear to be promising as the issue unfolds.

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Robert E. Zimmerman that Rorer Avenue, S. W., between 9<sup>th</sup> and 10<sup>th</sup> Streets, and two alleys running in a northerly direction from Rorer Avenue, located between parcels bearing Official Tax Nos. 1112102, 1112103, 1112104, 1112107, 1112108, 1112109 and 1112110, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 31, 2003, and Friday, November 7, 2003.

A report of the City Planning Commission advising that the petitioner owns all of the parcels of land that adjoin the subject portion of Rorer Avenue; the petitioner also owns all but one of the parcels of land on the southern side of the 900 block of Salem Avenue where his establishment, Roanoke Electric Supply, is located; the petitioner does not own Official Tax No. 1112110 and one of the alleys requested for closure is adjoined by this parcel of land.

It was further advised that the paved portion of the 900 block of Rorer Avenue is a dead end that terminates approximately 19 feet east of the edge of the sidewalk on 10<sup>th</sup> Street, and the dead end was created on Rorer Avenue after the widening of 10<sup>th</sup> Street by the Virginia Department of Transportation (VDOT).

It was noted that the City Planning Commission does not recommend approval of the request which is in direct conflict with the general goals of Vision 2001-2020 and the specific recommendation of the Hurt Park/Mountain View/West End neighborhood plan to re-establish the connection between Rorer Avenue and 10th Street; in addition, the petitioner has not proposed any specific development plan that would require vacation of the right-of-way and alleys, or result in a use of the property that is consistent with the policies and recommendations of the neighborhood plan. It was further noted that if Council approves the request of the petitioner, the City Planning Commission recommends that the petitioner be charged the full amount of \$26,600.00, and that closure be subject to certain conditions as more fully described in the report.

Mr. Dowe offered the following ordinance:

**"AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance."**

Mr. Dowe moved the adoption of the ordinance. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.



**Roy V. Creasy, Attorney, representing the petitioner, advised that his client wishes to close a portion of Rorer Avenue and certain adjacent paper alleys in order to further develop his property. He referred to the topography of the land which is composed of steep terrain and used for undesirable activities such as alcohol, drugs, and prostitution, etc. He reviewed the following points in regard to the rationale of the City Planning Commission in recommending denial of the request; i.e.**

- **Parking - There is considerable parking in the area, therefore, parking should not be an issue.**
- **Restoring access to Tenth Street from Rorer Avenue - In view of a steep grade on both sides of Tenth Street, such action would not be feasible, would require approval by the Virginia Department of Transportation and necessitate another traffic signal due to the location of ingress and egress.**
- **No specific proposal was submitted by the petitioner - Not knowing whether the street and alleys would be closed and not knowing if a cost would be assessed by the City, Mr. Zimmerman has been limited in his ability to develop the land, although it is envisioned that the land could be used for commercial development. He advised that the City Planning Commission is recommending that his client pay \$26,600.00 for closing approximately 21,575 square feet; his client invested approximately \$19,000.00 to obtain 25 lots in the area over the past 18 years, and if one considers what his client paid for the 103,612 square feet that he currently owns, that amounts to approximately \$18.00 per square foot, or \$4,000.00. Notwithstanding the Vision 2001-2020 Comprehensive Plan, he stated that if the property cannot be developed by his client, it is not likely to be used for residential purposes and the land will remain vacant.**

**Ms. Norma Smith, 11 14<sup>th</sup> Street, S. W., advised that funds were previously appropriated by the City of Roanoke to clean up the Rorer Avenue area from Fifth Street to 24<sup>th</sup> Street, and inquired as to the status of the funds.**

**This being the second occasion that a reference was made to funds having been appropriated by the City for the Rorer Avenue area, the City Manager was requested to respond to any specific allocation of funds; whereupon, the City Manager advised that she was not aware of any specific allocation of monies for the Rorer Avenue area; however, she would research the question and advise Council accordingly.**

**There being no further speakers, the Mayor declared the public hearing closed.**

**In clarification of the rationale of the City Planning Commission in its recommendation to deny the request of Mr. Zimmerman, the Agent for the City Planning Commission quoted from the Vision 2001-2020 Comprehensive Plan regarding neighborhood streets; i.e.: "Where possible neighborhood streets should connect with existing neighboring streets to complete the street grid pattern of the surrounding area." He explained that this is one area of Roanoke where there is an intact street grid; and the entire West End and Hurt Park area has a complete street grid because topography of the land is relatively flat for Roanoke. He added that when the Mountain View, Hurt Park and West End Neighborhood Plan was adopted in June 2003, one of the policies contained in the Plan was to restore or maintain access to Tenth Street at both Norfolk and Rorer Avenues. He advised that the connection at Tenth Street is difficult from an engineering point of view; a majority of the members of the City Planning Commission believed that retaining the right-of-way is important so that if development occurs in the area, there would be an opportunity to reconnect Tenth Street to Rorer Avenue at that location, and inasmuch as the City Planning Commission did not have a specific development proposal from the applicant, the Planning Commission had nothing to weigh the benefit of what was being proposed versus those policies contained in the neighborhood plan. He explained that the area currently owned by the petitioner contains split zoning; Rorer Avenue is the differentiating line between industrial property on the north side of Rorer Avenue; the south side of Rorer Avenue is zoned RM-2, Residential Multi-Family, so by closing the street, the zoning issue will not be addressed and there is the case of a potentially combined parcel of land of almost 2.9 acres spanning a block and one half that contains split zoning without a definitive development plan.**

**Following discussion in which concern was expressed that no development plan was submitted by the petitioner; and unfavorable conditions in the area associated with prostitution, drug and alcohol use, without objection by Council, the Mayor requested that the City Manager assist the petitioner in securing his property in a more healthy neighborhood environment.**

There being no further discussion, the ordinance was defeated by the following vote:

**AYES:** Mayor Smith-----1.

**NAYS:** Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt and Bestpitch-----6.

**COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, November 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission with regard to a proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Harrison-Washington Park Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 31, 2003, and Friday, November 7, 2003, and in *The Roanoke Tribune* on Thursday, November 6, 2003.

The City Planning Commission submitted a written report recommending approval of the Harrison/Washington Park Neighborhood Plan, advising that the Plan identifies four high priority initiatives:

Encouraging a balance of housing choices in all price ranges and housing options that promote social and economic diversity;

Promoting general physical enhancement through continued code enforcement efforts;

Adopting the Neighborhood Design District to encourage compatible infill housing, and

Improving the appearance and function of major streets.

The Plan also includes a future land use map to guide development and zoning patterns in the neighborhoods.

Mr. Dowe offered the following ordinance:

**(#36550-111703) AN ORDINANCE approving the Harrison-Washington Park Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Harrison-Washington Park Neighborhood Plan; and dispensing with the second reading of this ordinance by title.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36550-111703. The motion was seconded by Mr. Fitzpatrick.**

**The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.**

**There being none, he declared the public hearing closed.**

**Council Member Cutler raised the following questions/points:**

- Vacant lots in the Washington Park area have become infested with rodents, and residents have complained that rodents are a problem along Tenth Street and behind Lincoln Terrace School. What is the City doing to address the rodent problem?**
- Housing Conditions - "Lack of maintenance of homes and weed overgrowth in the area have contributed to blight." Can the City spend more time and energy on weed control?**
- Lick Run Greenway - checking sewer lines for storm water infiltration – He requested that the Utility Lines Department address leaking sewer lines in the Shadeland Avenue area, which basically involves treating northwest Roanoke like the rest of the City is treated.**
- "Establish a spur from Lick Run Greenway to Lincoln Terrace Elementary School." A spur should be constructed to Addison Middle School, as well as to the greenway, so that children attending both schools can ride their bicycles or walk to school.**
- Actions to Invite Beautification. There is a need for outdoor art and public art in northwest Roanoke, i.e. Harrison and Washington Parks as well as other parts of the City.**

- A map on page 28 shows the Brown Robertson Park as being separated by certain non public land and Washington Park. What is located between the two parcels of land and can there be a kind of connectivity to provide for a major park?

There being no discussion or questions by Council Members, Ordinance No. 36550-111703 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

**EASEMENTS-CITY PROPERTY:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, November 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke with regard to the proposed conveyance of a 30-foot easement on City-owned property located near Tinker Creek, S. E., Official Tax No. 4321020, to Plantation Pipeline Company, to relocate an existing valve onto City property, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2003.

The City Manager submitted a communication advising that Plantation Pipe Line Company has requested a permanent 30-foot easement containing approximately 0.21 acre on City-owned property located near Tinker Creek, S. E.; the easement will allow relocation of an existing valve onto City property since the current valve location is under water part of the year; and since the estimated assessed value of the easement is low, \$275.00, City staff recommends that the easement be granted at no charge.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents granting a permanent easement as above described to Plantation Pipe Line Company, such document to be approved as to form by the City Attorney.

Mr. Dowe offered the following ordinance:

**(#36551-111703) AN ORDINANCE authorizing the donation and conveyance of a thirty foot wide easement containing approximately 0.21 acre, on City-owned property located near Tinker Creek, S. E., identified by Official Tax No. 4321020, to Plantation Pipeline Company, to relocate an existing valve onto City property because the current valve location is under water part of the year, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36551-111703. The motion was seconded by Mr. Fitzpatrick.**

**The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.**

**There being none, he declared the public hearing closed.**

**There being no discussion or questions by Council Members, Ordinance No. 36551-111703 was adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.**

**NAYS: None-----0.**

**HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.**

**CITY COUNCIL-HOUSING/AUTHORITY-COMPLAINTS-TRAFFIC: Mr. Chris Craft, 1501 East Gate Avenue, N. E., addressed the following matters:**

- Requested that the handicapped ramp in the Council's Parking Lot not be blocked.**
- Requested that a "No U-turn" sign be installed at Williamson Road and Orange Avenue, in the vicinity of Sheetz.**
- Requested that the City address traffic congestion at Masons Mill Road and Hollins Road, N. E.**

- Requested more signage alerting motorists to narrow lanes on Orange Avenue where the road changes from three to two lanes.
- Requested that storm doors be installed on housing units at Lincoln Terrace.

**POLICE DEPARTMENT-ARMORY/STADIUM-ROANOKE CIVIC CENTER:** Mr. Kevin Booze, 1606 Peters Creek Road, N. W., advised that public funds should be spent on programs that benefit the youth of Roanoke and for pay increases for Police Officers, rather than on improvements to Victory Stadium, or construction of a new stadium/amphitheater. He also spoke with regard to the dangers associated with the shooting of deer in the City of Roanoke, and encouraged the City to discontinue the sharp shooting program.

**TAXES-ROANOKE CIVIC CENTER-SPORTS COMPLEX-DEBT POLICY-SCHOOLS:** Mr. John E. Kepley, 2909 Morrison Street, S. E., spoke with regard to the issue of an advisory referenda, the definition of which is: the principle or practice of submitting to popular vote a measure passed upon or proposed by a legislative body. He advised that over the next five years, the City of Roanoke will borrow \$344 million for capital projects; however, it should be noted when the current City Manager assumed her position in January 2000 the City's debt, per person, was \$600.00 and has now risen to almost \$2,000.00 per person. He stated that since 1999 to the present, an additional \$119 million has been borrowed in debt which involves taking money out of the pockets of taxpayers to fund projects such as the new sports complex, and the tearing down of Patrick Henry and William Fleming High Schools, only to rebuild the schools in the amount of \$87 million. He stated that taxpayers deserve the opportunity to vote on how their tax dollars are spent by the City of Roanoke.

**POLICE DEPARTMENT-ZONING-HUMAN RESOURCES-CITY EMPLOYEES-WATER RESOURCES:** Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke against the proposed methadone clinic in northwest Roanoke. He called attention to the need for more jobs for young people to get them off the streets and to decrease crime. He spoke in support of increased wages for the City's work force so that the average worker can afford to purchase a home. He referred to the 2.3 per cent pay increase that was afforded to City employees in fiscal year 2003, yet real estate tax assessments continue to increase, police officers do not receive sufficient wages, a five per cent increase in dental insurance premiums, a 9.1 per cent increase in insurance, and a 35 per cent increase in water rates.

**ARMORY/STADIUM:** Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium, and referred to deed restrictions on the Victory Stadium property which have not been honored by the City. He advised that Council Members should be mindful of the wishes of the citizens of the City of Roanoke in regard to Victory Stadium, the Armory, safety in Roanoke's schools, and other issues of concern because the citizens of Roanoke will speak on election day.

**ZONING-DRUGS/SUBSTANCE ABUSE:** The following persons addressed Council in opposition to the location of a methadone clinic at 3208 Hershberger Road, N. W.:

Ms. Joylette Stokes, 1523 Main Street, S. W., representing Dr. Chadrack Brown, Jr., and the congregation of Garden of Prayer No. 7 Church, advised that the proposed methadone clinic invades the future growth of the Church, which has recently embarked upon a building program for an educational facility to provide day activities for seniors and youth, and the Church facility will observe the same hours of operation as the methadone clinic. She stated that the proposed site of the methadone clinic is adjacent to Church property, presence of the clinic will not be conducive to a safe and friendly environment for parents and children using Church facilities; and the neighborhood is more concerned about drug dealers that might be attracted to the area than to patients who need help with their addiction. She advised that the Church is not opposed to those persons needing help, but members are opposed to the proposed location of the facility.

Ms. Peggy Sue Tolliver, 1460 Fresno Street, N. W., advised that she lives approximately two and one-half blocks from the proposed site for the methadone clinic. She called attention to the number of schools and churches in the area and efforts by residents of northwest Roanoke to improve their neighborhood. She stated that it has been reported that the methadone clinic will open on December 15, 2003, yet Council and the City Planning Commission are scheduled to hold a joint public hearing on December 15, which is too late to help the neighborhood. She asked that the City of Roanoke intervene and do whatever it can to prevent the methadone clinic from opening.

Ms. Sonya Smith, Westwind Apartments, spoke against the location of the methadone clinic in an area of the City that is heavily populated by schools and churches. She also called attention to reports that the methadone clinic is scheduled to open on December 15, therefore, the joint public hearing by Council and the City Planning Commission will be too late to help the neighborhood. She asked that the facility be located in an area where families, churches and children will not be affected.



**Ms. Arlene Small, 5321 Deer Park Drive, N. E., spoke on behalf of Garden of Prayer No. 7 Church and the surrounding community in opposition to the methadone clinic on Hershberger Road. She stated that she did not oppose the clinic itself because there is a need to help people who are addicted to drugs, however, her opposition rests with the location of the proposed clinic. She called attention to the number of schools in the area, the building program of the Church, and existing traffic congestion on Hershberger Road. She requested that the City find another location for the proposed methadone clinic.**

**Ms. Anita Price, 3101 Willow Road, N. W., representing the Roanoke Education Association, advised that the facility will have a great impact on the community and the children who attend schools in the area. She strongly encouraged Council to continue to do whatever needs to be done to stop the methadone clinic, and that concerned citizens either lobby and/or write to their representatives to the General Assembly in support of legislation proposed in the City's 2004 Legislative Program.**

**Ms. Della Millner, 3084 Swarthmore Avenue, N. W., advised that she lives in close proximity to the proposed clinic. She called attention to existing traffic conditions, incidents of shooting in the neighborhood and burglaries, all of which will be compounded with the proposed methadone clinic.**

**Ms. Lin Johnson, 5904 Wayburn Drive, N. W., representing Garden of Prayer No. 7 Church, advised that children are the City's most precious commodity; therefore, she urged that the City continue to seek legislation to ensure that the proposed methadone clinic is not allowed to open on Hershberger Road.**

**Ms. Glendora Goode, 3724 Troutland Avenue, N. W., spoke on behalf of Garden of Prayer No. 7 Church, and advised that the methadone clinic is needed for persons with drug addiction, but the facility should be located in another area of the City away from schools and churches. She expressed concern that the clinic will attract drug dealers who will pose a threat to surrounding neighborhoods.**

**Ms. Minnie Stamps, 4223 Holmes Street, N. W., spoke on behalf of Garden of Prayer No. 7 Church, and called attention to the number of children in the area, and drug dealers that could be attracted to the area because of the proposed methadone clinic. She suggested that the methadone clinic be located at the Veteran's Hospital or in the surrounding area.**

**Ms. Pernella Wilson, 3045 Willow Road, N. W., advised that the northwest community stands ready to fight against the location of the proposed methadone clinic in their neighborhood. She referred to three potential locations for the proposed clinic which are located across the street from the Police Department on Campbell Avenue where activities can be monitored by the Police Department.**

Ms. Gloria Dowe, 3702 High Acres Road, N. W., advised that the Hershberger Road area consists of office buildings, single family dwellings, apartment buildings, seven school districts, churches, etc. Therefore, she asked that the neighborhood be protected against adverse conditions as a result of the proposed methadone clinic

At 8:25 p.m., the Council meeting was declared in recess until Wednesday, November 19, 2003, at 9:30 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke for a joint meeting of Roanoke City Council and the Roanoke County Board of Supervisors, to continue discussions regarding the proposed Western Virginia Water Authority.

The meeting of Roanoke City Council reconvened on Wednesday, November 19, 2003, at 9:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, for a joint meeting of Roanoke City Council and the Roanoke County Board of Supervisors, with Mayor Ralph K. Smith and Chair Pro Tem Michael W. Altizer presiding.

**COUNCIL MEMBERS PRESENT:** William D. Bestpitch, M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith-----4.

**COUNCIL MEMBERS ABSENT:** Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and C. Nelson Harris-----3.

**ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT:** Joseph B. "Butch" Church, H. Odell "Fuzzy" Minnix, and Chair Pro Tem Michael W. Altizer-----3.

**ROANOKE COUNTY BOARD OF SUPERVISORS ABSENT:** Richard C. Flora and Chairman Joseph P. McNamara-----2.

**OTHERS PRESENT:** Representing Roanoke City: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; and Michael T. McEvoy, Director of Utilities.

Representing Roanoke County: Elmer C. Hodge, County Administrator; John M. Chambliss, Assistant County Administrator; Paul M. Mahoney, County Attorney; Diane S. Childers, Clerk to the Board; and Gary L. Robertson, Director of Utilities.

The Mayor declared the existence of a quorum of Roanoke City Council Members.

**The invocation was delivered by Council Member William D. Bestpitch.**

**On behalf of the City and the County, Mayor Smith and Chair Pro Tem Altizer welcomed all persons to the meeting.**

**The Mayor called attention to an item on the agenda with regard to appointment of Roanoke City and Roanoke County designees to the Western Virginia Water Authority; i.e.: three representatives from Roanoke City and three representatives from Roanoke County. He stated that City Manager Darlene L. Burcham and Council Member M. Rupert Cutler will serve as the City's representatives; however, Council is not prepared to appoint the citizen representative at this time.**

#### **COMMENTS ON JOINT EFFORTS:**

**The City Manager advised that the work of the two staffs continues to go well; staffs remain committed to an inclusive process in terms of including employees of both localities on the various committees and both staffs remain committed to the principals that were set forth at the beginning of the process which are to submit the best recommendations in regard to the proposed Western Virginia Water Authority, i.e.: the best way to address water and waste water on behalf of Roanoke Valley residents in the future.**

**Mr. Hodge concurred in the remarks of Ms. Burcham in regard to the outstanding work of both City and County staffs. He advised that the Board of Directors of the Western Virginia Water Authority will discover that staff of the Authority is way ahead in the process with reports, alternatives and recommendations.**

#### **UPDATE ON ASSET REVIEW AND UTILITY RATES:**

**Mr. Robertson advised that the asset valuation and rate study, which addresses a ten year period, has been received from Black and Veatch, Consultants, and ongoing communication will take place with the consultants to address necessary revisions, which are anticipated to be finalized within approximately 30 days.**

**Mr. McEvoy commended Black and Veatch for the quality of their work that involved review of a large volume of financial data.**

The City Manager advised that staff intended to brief the Council and the Board of Supervisors on the asset and valuation study at this meeting; however, they are currently engaged in a review of the two documents with the consultant; therefore, the Council and the Board will be requested to schedule another joint session in December.

In a discussion with regard to issues to be included in the asset and valuation rate study, Mr. Hodge advised that Roanoke County is currently undergoing a change in its water rate structure. He explained that Roanoke County's water rate structure is similar to few in the Commonwealth of Virginia because it is an outdated method which uses a step process and conversion will involve extra work for County staff.

A question having been raised earlier in the meeting with regard to provision of incentives to promote water conservation, Mr. Hodge stated that the issue will require guidance from the two governing bodies.

#### **OTHER REPORTS:**

The City Attorney advised that in December, the two governing bodies will be requested to schedule a public hearing at which time the Council and the Board of Supervisors will act on a resolution adopting Water Authority Board by-laws, and, following the public hearing, the by-laws will be forwarded to the State Corporation Commission. He stated that it is proposed to submit an operating agreement in mid January, 2004; however, much work remains to be done prior to submittal.

Upon question with regard to the types of issues to be addressed in the operating agreement, the City Attorney referred to the following partial list of items: assets to be contributed by localities to the Authority, real and personal property, accounts receivable, a method to address outstanding bills owed to the localities, water and sewer debts of localities, to what extent will be the liability of the system to be passed on to the Authority, how will pending claims be resolved, which fiscal year will be used, how the Authority will be structured as an entity, personnel/employee benefits, vehicular fleet issues, meter reading, etc.

Question was raised as to whether all current water payment options will be retained; whereupon, Mr. Hall advised that the intent is to make payments as convenient as possible via mail, bank drafts, in person, or through collection boxes, etc.

Once the Board of Directors is appointed, an inquiry was made as to the method of transitioning from a City/County operation to an Authority operation; whereupon, Mr. Mahoney advised that the goal is to work toward a July 1, 2004 switch over, at which time the new Authority will be operational. He further advised that during the first four to five months a dual-hybrid operating system will exist; in January 2004, both governing bodies will hold a public hearing to consider concurrent resolutions adopting the Articles of Incorporation, including individual names of the initial Board of Directors, which will be forwarded to the State Corporation Commission; it is anticipated that State Corporation Commission approval will take approximately two weeks; and a charter will be received from the State Corporation Commission at which time the Authority will become a legally operating entity, effective July 1, 2004. He stated that the Board of Directors will then prepare a budget, following State Code provisions regarding notices and public hearings, in regard to establishing initial water rates, adopt policies, procedures, and by laws and make decisions as to key officials, all of which will enable the Authority to be operational on July 1, 2004.

Mr. Hodge advised that initial appointees to the Authority Board of Directors will meet briefly following this meeting to discuss future meeting dates and duties and responsibilities. He spoke to the importance of involving and communicating with citizens of both Roanoke City and Roanoke County to ensure that citizen suggestions are considered and/or incorporated into procedures.

There was discussion in regard to public involvement in which it was pointed out that the series of meetings that were held in the City and the County did not generate a large amount of citizen participation, and rather than schedule stand alone meetings, there might be an advantage for staff to attend neighborhood meetings in the City and the County, etc. Other options discussed were to apprise neighborhood organizations that presentations will be made by City/County staff, upon request by the organization, or presentations could be made to the City's Presidents Council which meets on a monthly basis (the Presidents Council is composed of representatives of City of Roanoke neighborhood associations) and representatives to the Presidents Council could make reports to their individual neighborhood organizations.

The City Manager advised that when answers are in place in regard to questions that have been raised by citizens, there will be more citizen interest and better participation in meetings; and as the process moves forward, Council and the Board of Supervisors will be requested to provide guidance to staff with regard to dissemination of information and/or public meetings.

The Director of Finance advised that Finance staff of both localities have provided financial information to the consultant, and both staffs have reviewed the draft report of Black and Veatch to ensure that financial data was accurately interpreted. He further advised that the City and the County have closed on Virginia Resource Authority loans relative to the Waste Water Treatment Plant upgrade in the context of the current contractual arrangement which will eventually become a part of the debt of the Authority; and He stated that earlier in the year, the City refinanced part of its outstanding waste water treatment bonds because the rate environment was conducive to a lower interest rate, which will become a part of the debt of the Authority; and the City's debt for water and waste water general obligation debt is not in revenue bonds, therefore, the City can transfer assets to the Authority without a restrictive rate and revenue debt. He advised that staff continues to be diligent in its task and does not under estimate the amount of work yet to be done prior to July 1, 2004.

**DESIGNATION OF CITY/COUNTY MEMBERS TO THE WESTERN VIRGINIA WATER AUTHORITY:**

Representing Roanoke County, Mr. Church moved that the following persons be appointed to the Western Virginia Water Authority Board of Directors:

H. Odell "Fuzzy" Minnix - Four Year Term  
Elmer C. Hodge, County Administrator - Three Year Term  
Michael W. Altizer - Member, Roanoke County Board of Supervisors - Two Year Term

The motion was adopted.

Representing the City of Roanoke, Mr. Bestpitch moved that the following persons be appointed to the Western Virginia Water Authority Board of Directors:

Darlene L. Burcham, City Manager - Three Year Term  
M. Rupert Cutler, Council Member - Two Year Term  
The citizen designee will be appointed at a later date.

The motion was seconded by Ms. Wyatt and adopted by the following vote:

**AYES: Council Members Cutler, Bestpitch, Wyatt and Mayor Smith-----4.**

**NAYS: None-----0.**

**(Council Members Dowe, Fitzpatrick and Vice-Mayor Harris were absent.)**

**OTHER COMMENTS:** Mr. Church commended the spirit of cooperation that has existed between Roanoke City and Roanoke County, and advised that today the two localities are on the threshold of one of the most important issues that has faced the Roanoke Valley in many years. He expressed appreciation to his colleagues on the Board of Supervisors, the Members of Roanoke City Council and the staffs of the two localities for all of the work that has been done to serve the citizens of the Roanoke Valley for many years to come.

Mr. Bestpitch also commended City and County staffs and advised that he was proud to be a part of a Council that has worked with the Roanoke County Board of Supervisors to reach a point that others in the past have only talked about. He stated that much of the credit is due to the citizens of the Roanoke Valley who have supported the concept and were ready to work together in a cooperative manner. He advised that it is hoped that creation of the water authority will be an indication of the kind of future cooperation and support of a broad array of services; i.e.: fire and emergency medical services ultimately leading to one department to serve the entire Roanoke Valley. He referred to a combined library system, parks and recreation department and a number of other services that will lead to greater efficiencies in government for both localities.

Ms. Wyatt suggested that letters of appreciation be forwarded to the various committees commending staff for the work that has already been done and for their continuing efforts to make the water authority a success.

Mr. Altizer advised that much work remains to be done, time lines are vitally important and many additional hours of work will be involved to bring the Water Authority to fruition in July 2004. He echoed his respect for both staffs and stated that Roanoke City and Roanoke County have set the example of what other localities can do, and the example that the City and the County have set will pave the path to future boundaries of regional cooperation with the localities of Botetourt, Montgomery and Christiansburg, because those areas are looking closely at accomplishments by local officials of the Roanoke Valley. He advised that the responsibility lies with Roanoke County, Roanoke City, the City of Salem and the Town of Vinton to come together on as many issues as possible and once the barriers of the past are removed, the goal of regional cooperation for the good of the entire Roanoke Valley will be achieved. He stated that the action taken by Roanoke County and Roanoke City in regard to the water authority is government at its highest and best.

The Mayor called attention to the importance of open communication with the citizens of the Roanoke Valley, and any changes should be communicated to the citizens as soon as possible which will be the key to a successful beginning for the Western Virginia Water Authority on July 1, 2004.

There being no further business, at 10:45 a.m., the Mayor declared the meeting of Roanoke City Council in recess until Friday, November 21, 2003, at 8:30 a.m., at the Roanoke Higher Education Center, 108 N. Jefferson Street, for the Roanoke City Council/Roanoke City School Board Retreat.

The meeting of Roanoke City Council reconvened on Friday, November 21, 2003, at 8:30 a.m., at the Roanoke Higher Education Center, 108 N. Jefferson Street, Room 501, City of Roanoke, Virginia, for a joint meeting of Council and the Roanoke City School Board, with Mayor Ralph K. Smith and Chairperson Gloria P. Manns presiding.

**PRESENT:** Council Members William D. Bestpitch, M. Rupert Cutler (left the meeting at 2:30 p.m.) Alfred T. Dowe, Jr. (left the meeting at 12:00 noon), Beverly T. Fitzpatrick, Jr. (left the meeting at 12:00 noon) C. Nelson Harris, Linda F. Wyatt, (arrived at 9:30 a.m.), and Mayor Ralph K. Smith (left the meeting at 1:30 p.m.)---7.

**ABSENT:** None-----0.

**SCHOOL TRUSTEES PRESENT:** Kathy G. Stockburger, David B. Trinkle, Robert J. Sparrow, Ruth C. Willson, William H. Lindsey, Melinda J. Payne (arrived at 8:15 a.m.), and Gloria P. Manns, Chair-----7.

**SCHOOL TRUSTEES ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Mary F. Parker, City Clerk; Elizabeth K. Dillon, Assistant City Attorney; Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools; and Cindy H. Lee, Clerk to the Roanoke City School Board.

The meeting was facilitated by Lyle Sumek, Lyle Sumek Associates.

The Mayor advised that at a joint meeting of Council and the Roanoke County Board of Supervisors on Wednesday, November 19, 2003, Council Member M. Rupert Cutler and City Manager Darlene L. Burcham were appointed as the City's representatives to the Western Virginia Water Authority; whereupon, he opened the floor for nominations for the citizen appointee representing the City of Roanoke.

Mr. Cutler moved that Robert C. Lawson be appointed as the City of Roanoke citizen representative for a term of four years. The motion was seconded by Mr. Fitzpatrick and adopted, Council Member Wyatt had not arrived at the meeting.



**COUNCIL-SCHOOLS:** Mr. Sumek advised that the Council and the School Board have experienced an interesting and challenging year. He reviewed some of the issues that were discussed at the Council/School Board retreat in February 2003; i.e.: revisiting joint meetings of Council and the School Board, joint work teams, identification of issues and action steps, joint marketing and branding, work force development, a joint facilities use study, stadium and facilities, funding issues, high schools renovation/construction, joint lobbying strategy, define responsibilities for joint cooperation, health care for employees, and citizen involvement.

He suggested a frank discussion between Council and the School Board looking at first the product that both entities are trying to produce and thinking about some of the outcomes that Council and the School Board would like to see as a result of the discussion. He called attention to the need to market a product in the community; i.e.: how safe are Roanoke's schools which is a product that has value to citizens.

Ms. Payne entered the meeting at 8:55 a.m.

Mr. Sumek requested that Council and the School Board break out into three groups to discuss the following question: What is the product you see coming out of Roanoke's school system?

Following the break out session, the groups reported as follows:

**Group No 1:**

Ability to think critically  
Creation of an environment where individual potential can be achieved  
Students become life long learners - continue to open our doors to people  
Prepare and develop the workforce  
Good citizens

**Group No. 2:**

Literate, civic minded contributions to the larger community  
Positive and enthusiastic attitude toward identifying life long learning  
Motivate "self-sufficient" graduates with career goals in mind  
Prepare to adapt to the ever changing technological society

### **Group No. 3:**

**Good citizenship, responsible citizens who know about the community, understand laws, vote and participate in the process**  
**Economically productive individual skills with job work ethics- individuals to reach their goal or potential/work with others**  
**Prepared to parent - basic skills - responsible parenting**  
**Life learning adults, relevant to each useful valued experience in school - ambassador for the schools/city**

**The facilitator then asked that the Members of Council and the Members of the School Board meet in separate rooms for approximately 30 minutes to focus on the following questions:**

**What are the challenges you see to produce the product?**

**What is the message you have for the other body?**

**Following completion of the exercise, Council and the School Board reconvened in open session with the facilitator. Staff was asked to leave the room; however, according to Members of Council who remained in the session, it was the consensus of the Council that Vice-Mayor C. Nelson Harris would report for the Council. A portion of the report stated that a majority of the Council has lost confidence in the School Superintendent's ability to lead the school system and Council Members believe that the School Board has reacted lethargically to important business issues.**

**Following lunch, the meeting reconvened in Room 501 of the Roanoke Higher Education Center.**

**Mr. Sumek advised that the remainder of the session would be devoted to a discussion of future expectations and ways by which the Council and the School Board can work together more effectively; i.e.: What are critical issues short term and what are the Council's expectations in order to enhance the relationship with the School Board and the community.**

**The following is a summary, as stated by the facilitator, with regard to expectations by Council of the School Board:**

- To set overall policy and direction for the schools in the City of Roanoke;**
- To govern the school system taking responsibility for the product (engage in critical thinking and question issues and recommendations);**
- To compile a real and workable budget with an eye on today and future needs;**

- To set the standards and give guidance to the Superintendent from the schools' vision to specific expectations;
- To be public advocates by marketing public education and the schools to the community - a "sales team";
- To be sensitive to the job market, training opportunities, and special training needs;
- To seek feedback from the community on performance and issues visible in the community in dealing with the community to anticipate and identify issues and needs prior to the issues and needs becoming a crisis;
- To identify services, scopes beyond the School Board's normal range - community service needs;
- Schools respond to questions/mistakes and clarification.

During a discussion, the following suggestions were offered by individual Council Members to the School Board:

- If the School Board is working on an issue that needs clarification throughout the community, a member of the School Board could draft an op ed piece for publication in The Roanoke Times. Council has taken this approach on several occasions in regard to the water authority, the City's annual accomplishments, etc. Information was shared with Council Members prior to forwarding the article to the newspaper which allowed Council Members an opportunity to provide input, thus, the article was representative of the Council. There may be other occasions when an individual School Board Member might wish to articulate an individual opinion which would not necessarily speak on behalf of the entire School Board and it should be stated in the letter that it was the opinion of one School Board member.
- Concern has been expressed with regard to lack of attendance by parents at meetings. The City of Roanoke has established approximately 35 neighborhood organizations, some of which represent a large area of the City, therefore, any information that the School Board would like to take to the community could be addressed through the various neighborhood organizations.

The City Manager advised that many times the written word is accepted as the final word; letters to The Editor in The Roanoke Times could be answered when clarification is in order; and many times City staff will contact a person who has written a Letter to the Editor to provide the necessary clarification. She stated that police officers attend neighborhood meetings on a monthly basis and it might be advantageous for representatives of the school system to also attend neighborhood meetings to report on activities in the schools that serve specific neighborhoods, which could also bring the community closer to the schools.

- Parent-Teacher Association meetings, activities and school events could be reported to the applicable neighborhood association so that the community that the school serves is aware of the positive things that are happening in the school.
- If there are misperceptions in the community, the Chair, or Vice-Chair, or a Member of the School Board could schedule a five to ten minute briefing at a Council meeting to address the specific issue or topic.
- Quarterly meetings of Council and the School Board should be held to address critical issues.

Following a discussion, it was the consensus of the Council and the School Board that the "buddy system" is working and should be continued.

At 1:30 p.m., the Mayor left the meeting.

The facilitator led the Council and the School Board in an exercise listing critical issues that need to be addressed in the next two to three months where dialogue and/or closure is needed in terms of process.

The following is a summary:

1. To address safety issues in order to rebuild confidence in the school system:  
The School Safety Task Force will report in late February/early March 2004 (Schools to act)

2. **Rebuild confidence in the school system:**  
**Successes/achievements**  
**Marketing schools**  
**Tours for the community (schools to do)**  
**Invite School Board representative to BizBreak (Breakfast meetings with representatives of various businesses to discuss issues of concern.)**
3. **Communicate a sense of support for teachers and staff (schoolstodo)**
4. **Stadium-related issues:**  
**Turf**  
**Leases**  
**Fees/priority of use**  
**Maintenance**
5. **Accreditation for Schools (schools to do)**
6. **School funding resources**  
**Joint lobbying efforts (December meeting with legislators)**
7. **Creation of a Public Schools Foundation (schools to do)**  
**Being proactive about the accomplishments of the schools**
8. **Schools/traffic calming (agreed to remove from list)**
9. **School Superintendent expectations/performance/direction (schools to act on)**
10. **School - City communications (This will be addressed if Council/School Board follow through on some of the above listed items.)**

**With regard to taking the above listed items to action, the following suggestions were offered:**

- **Council and the School Board should meet quarterly on the first Monday of the month.**

There was discussion with regard to bids submitted for the turf at the proposed new stadium on Orange Avenue/Williamson Road; whereupon, the City Manager advised that the City is negotiating with the low bidder on the basis of natural turf, unless she is told otherwise; and if, at a later point in the process, the school system is willing to pay the difference of approximately \$200,000.00 for artificial turf, the contract can be amended. Discussion also took place in regard to maintenance/operation costs for the stadium.

It was the consensus of Council and the School Board to meet on Monday, January 5, 2004, at 12:00 noon, to discuss stadium related issues; i.e.: turf, leases, fees/priority of use and maintenance.

- It would be appropriate for Council and the School Board to hold a joint-meeting to receive the report of the School Safety Task Force.
- It would be beneficial for the School Board to send a representative to the City's monthly BizBreak breakfast meetings, which are held with representatives of local businesses in the Roanoke Valley.

There being no further business to come before the Council, at 3:00 p.m., the Vice-Mayor declared the Roanoke City Council meeting in recess until Monday, November 24, 2003, at 3:30 p.m. to discuss a vacancy in a Constitutional Office.

(The meeting was later rescheduled to be held as a special meeting of the Council on Tuesday, November 25, 2003, at 3:30 p.m., in the Council's Conference Room.)

**APPROVED**

**ATTEST:**

**Mary F Parker**  
City Clerk

**Ralph K. Smith**  
Mayor

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